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PATENT
Attorney Docket No.: 16303-002430

#63
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Jeffery J. Wheeler, *et al.*

Application No.: 09/431,594

Filed: November 1, 1999

For: LIPID NUCLEIC ACID
PARTICLES PREPARED VIA A
HYDROPHOBIC LIPID NUCLEIC
ACID COMPLEX INTERMEDIATE
AND USE FOR GENE TRANSFER

Examiner: T. Larson

Art Unit: 1635

AMENDMENT

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TECH CENTER 1600/2900

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This Amendment is submitted in response to the Office Action mailed August 9, 2001. A Petition for a three-month extension of time is submitted concurrently herewith in a separate paper to extend the time for response to on or before February 9, 2002, which is a Saturday, making the response due on or before February 11, 2002. Applicants respectfully request reconsideration and further examination of the above-referenced patent application in view of the amendments and remarks presented herein. Please amend the above-identified application as follows:

IN THE CLAIMS:

Please cancel claim 43 without prejudice or disclaimer.

Please amend claims 42, 64 and 69 as follows:

- 1 42. (Amended) A nucleic acid-lipid particle for introducing a nucleic
2 acid into a cell, said particle comprising a cationic lipid, a conjugated lipid that inhibits

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